

producing said signal, and for actuation to another operating state for enabling producing said signal in response to said rotation.

48. The input device according to claim 45 comprising:

switch means on said housing means for manual actuation to one operating state for selectively inhibiting producing said signal, and for actuation to another operating state for enabling producing said signal in response to said rotation of said housing means.

REMARKS

The application has been objected to under 37 C.F.R. §1.172(a) for failure of the assignee to establish its ownership interest in the patent for which reissue is being requested.

The assignee-applicant is submitting herewith true copies of U.S. Patent and Trademark Office records evidencing the assignee's ownership interest and rights to prosecute this subject reissue application. It is therefore respectfully submitted that the bases for this objection are obviated by the attached title documents, and that the assignee is properly entitled to prosecute this reissue application.

The request to surrender the original grant of U.S. Patent No. 5,898,421 is noted. The applicant is submitting herewith the original grant of the subject patent in compliance with this request.

The reissue declaration as originally filed in this application has been held to be defective because of its failure to identify at least one error, and claims 1-48 have been rejected as being based upon a defective reissue oath/declaration under U.S.C. §251. These bases for objection and rejection of claims are respectfully traversed.

An adequate statement of one error is submitted to have been contained in the reissue declaration as originally filed, including specifically the statement, *inter alia*, that:

“Applicant intended to claim all disclosed embodiments... but did not adequately communicate his intentions to his attorney of record in order to attain the scope of claims coverage to which he believes he is entitled.”

It is therefore respectfully submitted that the rejection of claims 1-48 as being based upon a defective reissue application should be withdrawn.

To expedite examination of this reissue application, applicant is also submitting herewith an Inventor’s Supplemental Declaration setting forth additional error as basis for this reissue application, which additional error has also been recognized as an error correctable through reissue. *In re Wilder*, 736 F.2d 1516, 222 USPQ 369 (Fed. Cir. 1984). It is therefore respectfully submitted that

sufficient error has been set forth to merit correction through prosecution of this reissue application.

Regarding the Examiner's comments concerning changes or amendments to claims, or new claims presented, applicant is submitting herewith in conformance with 37 CFR §1.173(c) the requisite 1) statement of status that all claims 1-48 are pending herein, and 2) explanations of the support in the disclosure of the patent for the changes made to the claims, as follows:

Support in the specification for the claim changes is submitted to be set forth, *inter alia* as follows:

Claim 1 - supported by col. 6, lines 25-36 and Figures 1 and 5;

Claim 2- supported by col. 5, lines 57-67 and Figure 1;

Claim 3 – supported by col. 6, line 25-36 and Figures 1 and 5;

Claim 4 – supported by col. 6, lines 25-36 and Figures 1 and 5;

Claim 5- supported by col. 6, lines 25-36 and Figures 1 and 5;

Claim 6 – supported by col. 6, lines 25-36 and col. 5, lines 31-33 and Figures 1 and 5;

Claim 7 – supported by col. 4, lines 57-67 and Figures 1, 3, 5 and 8;

Claim 8 – supported by col. 5, lines 11-13 and Figures 1, 3 and 8;

Claim 13 – supported by col. 6, lines 25-36 and Figures 1 and 5;

Claim 14 – supported by col. 6, lines 25-36 and Figures 1 and 5;

Claim 15 – supported by col. 3, lines 43-52 and col. 6, lines 25-36 and Figures 1 and 5 and 8;

Claim 16 – supported by col. 5, lines 61-67 and col. 6, lines 25-36 and Figures 1 and 5;

Claim 17 – supported by col. 6, lines 25-36 and Figures 1 and 5;

Claim 18 – supported by col. 6, lines 25-36 and Figures 1 and 5;

Claim 19 – supported by col. 6, lines 25-36 and Figures 1 and 5;

Claim 20 – supported by col. 6, lines 53-55 and Figure 5;

Claim 21 – supported by col. 6, lines 25-36 and Figures 1 and 5;

Claim 22 – supported by col. 6, lines 25-36 and Figures 1 and 5;

Claim 23 – supported by col. 6, lines 25-36 and Figures 1, 3 and 5;

Claim 24 – supported by col. 6, lines 25-36 and Figures 1, 3, 5, 6 and 7;

Claim 25 – supported by col. 6, lines 25-36 and col. 3, lines 57-62, and Figures 1, 3, 5, and 8;

Claim 26 – supported by col. 6, lines 25-36 and col. 3, lines 57-62, and Figures 1, 3, and 8;

Claim 27 – supported by col. 3, lines 42-62 and col. 4, line 57 to col. 5, line 14 and Figures 1, 3, and 8;

Claim 28 – supported by col. 5, lines 25-36 and Figure 5;

Claim 29 – supported by col. 5, lines 25-36 and col. 3, lines 42-62 and Figures 1, 3 and 5 to 8;

Claim 30 – supported by col. 3, lines 42-62 and col. 4, line 57 to col. 5, line 47 and Figures 1, 3 and 8;

Claim 31 – supported by col. 6, lines 36-45 and col. 6, lines 53-62 and Figures 1, 3 and 6-8;

Claim 32 – supported by col. 6, lines 36-53 and Figures 1, 3 and 6-8;

Claim 33 – supported by col. 3, lines 42-57 and col. 4, line 57 to col. 5, line 4 and Figures 1, 3 and 6-8;

Claim 34 – supported by col. 6, lines 36-57 and Figures 1, 5, 6, and 7;

Claim 36 – supported by col. 6, lines 36-57 and Figures 1, 5, 6, 7;

Claim 37 – supported by col. 6, lines 36-57 and Figures 1, 5, 6, 7;

Claim 38 – supported by col. 6, lines 36-57 and Figures 1, 5-7;

Claim 39 – supported by col. 3, lines 43-62 and Figures 1, 3, 5, and 8;

Claim 40 – supported by col. 2, line 54 to col. 3, line 11 and Figures 1, 3, and 8;

Claim 41 – supported by col. 6, lines 36-57 and Figures 5-7;

Claim 42 – supported by col. 5, lines 31 to col. 6, line 36 and Figures 3, 4, 5;

Claim 43 – supported by col. 3, lines 56-62 and col. 5, line 31 to col. 6, line 24 and Figures 1, 3, 4;

Claim 44 – supported by col. 5, line 31 to col. 6, line 36 and Figures 1, 3, 4, and 5;

Claim 45 – supported by col. 3, lines 43-62 and col. 5, lines 31-47 and Figures 1, 3, 5;

Claim 46 – supported by col. 6, lines 24-35 and Figures 1, 3, and 5-7;

Claim 47 – supported by col. 6, lines 36-57 and Figures 1, 3, and 5-7;

Claim 48 - supported by col. 6, lines 36-57 and Figures 1, 3, and 5-7;

No other explanations or statements are noted to be required under 37 CFR §1.175(a)(1) or MPEP §1414, as referred to by the Examiner, or under other pertinent sections of 37 CFR or the MPEP. It is therefore respectfully submitted that claims 1-48 are properly presented herein for examination, and that these claims are now patentable over the prior art.

The Examiner's comment is noted regarding citation in this application of references that were cited in the patent. It is submitted that all such references have been cited in this reissue application to date.

Favorable consideration and allowance of claims 1-48 are solicited.

Respectfully submitted,
THOMAS J. QUINN

Date: 9/10/02

By: A.C. Smith
Albert C. Smith, Reg. No. 20,355
Fenwick & West LLP
Two Palo Alto Square
Palo Alto, California 94306
Telephone (650) 858-7296
Fax (650) 494-1417

ATTACHMENTS:

- ✓ REISSUE APPLICATION SUPPLEMENTAL DECLARATION
BY INVENTOR
- ✓ ORIGINAL GRANT OF U.S. PATENT NO. 5,898,421
- ✓ ASSIGNEE'S OWNERSHIP RECORDS